SYNOPSIS

TOPIC- LAWS TO DWINDLE VISUAL POLLUTION AND CUSHION THE AESTHETIC BEAUTY OF THE NATION AND NATURE

INTRODUCTION

In present scenario it is very imperative for the humans to understand that "WE HAVE NOT INHERITED THE EARTH FROM OUR FOREFATHERS ,WE HAD BORROWED IT FROM OUR CHILDREN"[i] that means we are just care takers of this world and nature and we have to hand it over to the next generations in a very good condition and not as degraded and polluted planet.

In this research work I will specially focus on defacement of property which is a kind of visual pollution and can be defined as the "impairment of the sight or view of a person due to environmental and man-made factors"[ii]. It emerges in many forms, most of which are caused by human actions. It has huge negative effects on the health and well being of people. In fact in a way or other we can say that Visual pollution is an aesthetic issue and can be considered as a pollution that impair one's ability to enjoy a vista or view[iii]. Visual pollution create noticeable hindrance or disturbances in the visual areas of people by creating baleful changes in the natural environment like erecting flagpoles Billboards, hoardings, pasting posters, lettering, open storage of trash, etc are often considered as visual pollution and generally these matters are covered under prevention of defacement of property laws in India.

Visual pollution have various Effects like: distraction, decreases in opinion diversity, eye fatigue, loss of identity and many more. It has also been shown to increase biological stress responses and impair balance[iv], in short we can say that more or less our Mind get disturbed ,and now to help our mind to breath we have to take stern action to curb this visual pollution and maintain the esthetic beauty of the nation.

In my opinion Posters Banners Hoardings lettering that deface public as well as private properties shall be removed permanently . presently the main aim is to create more awareness among people regarding side effects of the same and make the country more beautiful. The Prime Minister has launched the Swachh Bharat Abhiyan and we should try our own way to clean the country.

REASON FOR SELECTION OF THIS TOPIC

In present scenario the problem of Defacement of property or visual pollution is a emerging and increasing menace in the towns and cities of our country and the sight

of banners, posters and other kinds of defacement on public and private property is not uncommon. I have Been observing this problem of vandalism or defacement of property or visual pollution from so many years and it is a huge hurdle in maintaining aesthetic beauty of the nation though there are so many laws related to defacement of property which are dealing with this problem separately of every state but still there is no cure to this issue so I believe that there should be a further research conducted to bring out a proper solution cure to this problem of Visual pollution or vandalism or defacement of property. Though various agencies and corporations carry out and conduct action against the defacement in their areas regularly under different provisions of Indian Penal Code and the relevant Municipal Acts but these are not sufficient according to me to maintain the aesthetic beauty of the different towns and cities of our country particularly those places where several tourists, pilgrims and travellers visit daily, these laws and provisions are largely ineffective. That is why I feel that a deep study is required to suggest an efficient law to control this visual pollution. More over this topic is not that much exhausted AND one of socio legal concern.

AIM AND OBJECTIVE

The aim of this research is to find ways to protect and enhance the aesthetic beauty of nature by reducing visual pollution(defacement of property) so as to have a pure and better quality of life and to preserve the environment for the next generation

The objective of this research is to formulate and suggest an effective legislation that can be enforced by a well-trained authority and creating a fine awareness among all the citizens about the dangers emerging from visual pollution .

RESEARCH QUESTIONS

- What is visual pollution ,what are its causes and repercussions?
- Whether state laws are sufficient to reduce visual pollution or defacement of property?
- Why a central law or a concrete legislation is required?
- To whom the power of enforcing the law should be entrusted?
- Are people aware about their duties and rights toward aesthetic beauty of nation and nature?

HYPOTHESIS

Research hypothesis –

To ensure aesthetic beauty of nation and reduce visual pollution a central law is required.

Awareness of people regarding the dangerous effect of visual pollution is a major factor in reducing it.

SIGNIFICANCE OF RESEARCH AT NATIONAL AND INTERNATIONAL LEVEL

In general we can say that Research is a process or way of systematic inquiry that consist of data collection, documentation of critical information and analysis and interpretation of that data collected or information gathered in accordance with preferable methodologies[v]. A properly conducted Research helps to assess the soundness and legitimacy of hypothesis and its interpretation, but for doing a fine research it is imperative to set proper and specific dimensions at National and International level as well.

In present scenario world is getting minor and the interconnectivity is rising than ever before. There exist a huge differences among humanity's social groups, or we can say less of uniformity is there that sometimes cause problems or create hurdles for researchers trying to collect data from various cultures but on the other hand to make a research more authentic and versatile it is very much required to do wide research and collect data at International level.

Regarding this topic if the research is done at national level then we'll find the root cause of problem and the loopholes in local laws where as if we do research at international level we will be able to understand what better we can do or what policy or way we can opt to beautify our nation and what we should avoid or mistakes we should resist which are done by foreign states.

So we can say that research on national ground is equally important or that sometimes it is even more important than International level because whenever a domestic issue or problem is taken under consideration for research then it is important to do deep research at national level or domestically to find the exact root cause, consequences and solutions of that issue. The another variation is that International research is bit complicated because of lingual, cultural ,economy and many more differences but on other side we can say that the authenticity of a research increases with the increase in spectrum of research area . In short we can say that with the increase of area of research the authenticity and complexity both increases.

LIMITATION OF RESEARCH

As the research topic "LAWS TO DWINDLE VISUAL POLLUTION AND CUSHION THE AESTHETIC BEAUTY OF THE NATION AND NATURE" is quite wide that it will includes multiple laws like laws relating to nature, anti defacement laws (of all the states), I.P.C, Laws in other Countries (U.S.A and Canada) and as it is planned to be partially empirical so there will be huge bundle of data plus a model law for the issue or we can say Solutions, so it might be possible that all the existing and not so important laws will not be specifically mentioned in the thesis and only glimpse of that will be mentioned, Secondly as I will be conducting empirical research then it is also possible that the questioner will be limited and not so lengthy.

LITERATURE REVIEW

In India the laws relating to vandalism or defacement of property have never been that stern to curtail this menace . Vandalism is basically an offense that emerge when a person destroys someone else's property without permission.

1)Vandalism is a crime (non-violent) category and it is observed under state laws.

2)Law against Vandalism or defacement of property are usually defined differently by each states and have their own parameters to punish.

3)Penalties also varies from state to state typically include fines, imprisonment, or both.[vi]

There is no denial of the fact that the sight of a beautiful natural environment stimulates human beings, soothes their soul. Conversely, the ugly sight triggers irritability. Children growing up in its vicinity get used to it losing their ability to understand the need for correcting it. This results in character-changing effects, the unique identity of the community is homogenized and entire life-style is deteriorated.[vii]

Outdoor advertisements and billboards are a significant contributor to urban visual pollution. In many underdeveloped economies, a complete ban on billboards is not an available management option. The management of billboards in core urban centres is complex as it deals with competing requirements from different interest groups. On the development controlling agencies' side, billboards are a source of visual pollution, and their locational placement requires considering legal, marketing and ethical considerations. On the other hand, advertisers have a different set of considerations, as they need advertisements to reach relevant community groups in targeted numbers for revenue generation. This research presents a web-based spatial decision support system to balance the stakeholders' competing requirements and offers them the ability to compare and contrast various indicators' compositions to attain the most suitable decision.[viii]

Visual pollution is an aesthetic issue and refers to the impacts of pollution that impair one's ability to enjoy a view. Visual pollutions harm the visual area of human beings such as eyes, visual memory by making the environment unnatural or negative. Visual pollution has increased the road accidents rate in India. It distracts the human mind in a way that it can harm the mental health. Visual pollution includes billboards, open storage of trash, space debris, telephone towers, electric wires, buildings and automobiles, overcrowding of an area. Visual pollution is everything which is not natural and manmade irregular formations which we look in the natural environment[ix].

AESTHETIC CONSIDERATIONS MAKE GOOD BUSINBSS SENSE.According to the Joint Economic committee of the United States Congress, a city's quality of life is more important than purely business-related factors when it comes to attracting new businesses, particularly the rapidly growing high-tech and service industries. Many communities with healthy economies and national images as desirable places to live, work, and do business also have reputations as aesthetically pleasing communities and have strong ordinances to ensure that they remain so[x].

Initially the matters of vandalism or defacement of property were looked up under section 425 of Indian Penal Code which defines mischief (or vandalism as you'd put it). It states Whoever with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously, commits "mischief".[xi] But there are certain loopholes in this sections as it does not specifically defines the defacement of property so there was a need of a new act to deal with the problem of vandalism or defacement of property.

The first act that came into existence to specifically deal with this problem was west Bengal prevention of defacement of property act 1976 and after this the act which came was prevention of damage to Public property act 1986 but this act does not define or mention defacement of private property so that's why all the states brought out their personal laws relating to this issue.

In Present scenario almost every state have their own law even then many states borrow the laws of their neighbor states like in Jharkhand there is no separate law it borrows the law from Bihar, Chandigarh borrow the law from West Bengal where as there are many state they have no specific law and they just have few sections in their municipal act like Assam Gujarat Kerala etc.

Here are the acts that are in present existing relating to this issue specifically:-

Delhi Prevention of defacement of property act 2oo7, Goa prevention of defacement of property act 1988, Maharashtra defacement of property eight 1995, Bihar prevention of defacement of property act 1985 ,Jammu and Kashmir prevention of defacement of property act 1985, Uttar Pradesh defacement of property 2o1o, Rajasthan prevention of defacement of property act 2oo6 Arunachal Pradesh act 1994 prevention of damage to Public property act 1984 Madhya Pradesh sampatti virupan adhiniyam1994 the Pradesh prevention of disfigurement of open places and Prohibition of defacement of property act Gauhati prevention of defacement of property act 2oo6 Nagaland act 1985 Haryana prevention of defacement of property act 1989 West Bengal prevention of defacement of property act 1976 Karnataka open places prevention of defacement of property act 1981 Mizoram prevention of defacement of property act 1995 Nagaland prevention of defacement of property act1985.

That don’t have their specific law on defacement of property are Assam Gujarat Kerala Manipur Meghalaya Orissa Rajasthan Uttar Pradesh Dadra and Nagar Haveli Daman and Diu Lakshadweep Chhattisgarh Jharkhand

Under The Indian Constitution we can relate certain articles with the defacement of property or vandalism. Article 49 protection of monuments and places and objects of national importance article 51(i) fundamental duty to safeguard public property and to adjust violence .

Union list- 23 national highways 31 form of communication 32 property of government 6o censorship ,State list- 1 Public order six public health 33 theatre and cinema , Concurrent List - 8 actionable wrong 2o A pollution control 39 newspapers books and printing press.

Under IPC section 425 mischief section 268 public nuisance section 37 under CRPC all bound to assist a magistrate and police officer in prevention of injury attempt or committed to Railway canal telegraph on public property.

In case Berman versus Parker 1954 the court held that concept of public welfare is broad and inclusive and committee have a legal right to control aesthetics. The value it represents our spiritual as well as physical aesthetic as well as monitory.

In case Destruction of public and private property v. state of Andra Pradesh 2007, the court held that The viewers can certainly claim that their fundamental rights including guaranteed by Article 21 of the Constitution of India, are violated, by robbing them of clean and beautiful environment and surrounding free from any defacement[xii].

In the case of Lalit Kumari v. State of UP 2014 2 SCC the court held that The Director General of Police will have to issue Circulars across the State to ensure that the Police Officers do not refuse registration of the offences under the Defacement Act as the said offences are the cognizable offences[xiii].

National Green Tribunal Act, 2010 is an Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto[xiv], but NGT does not talk about visual pollution which is also a very serious problem in present scenario so it is also a suggestive that NGT act should incorporate provisions and guidelines for visual pollution .

Some of the major objectives of the National Green Tribunal (NGT) are as follows: Effective and expeditious disposal of cases that are related to the protection and conservation of the environment, forests, and other natural resources. To give relief and compensations for any damages caused to persons and properties. To handle various environmental disputes that involve multi-disciplinary issues[xv], So according to aforementioned objectives the protection and conservation of visual environment is also the duty of NGT .

RESEARCH METHODOLOGY

This research will be a qualitative ethnography, as it will manifest real world knowledge about the visual pollution, theories on it and laws relating to visual pollution (defacement of property) and their enforcement.

So my first approach will be doctrinal where I will study and discuss the Indian laws relating to visual pollution (defacement of property), convention, treaties and some foreign studies and articles relating to it and leading case laws.

Then second approach will be empirical where I will prepare a questionnaire and conduct interviews of stakeholders and get their response in this regard.

CHAPTERIZATION

1. Introduction
2. What is Visual Pollution ,Defacement of property and Vandalism
3. Causes and Consequences of visual pollution and the Requirements for improving the visual environment
4. Current laws, policies, and agencies with regulatory powers for Enforcement of existing laws
5. Innovative programs and laws in other countries
6. Need for Appropriate laws and regulations and implementation agencies needed to solve the identified problems
7. Empirical research findings
8. Conclusion and Suggestions.

CONCLUSION AND SUGGESTIONS

"Visual pollution can be defined as the impairment of the view of an individual due to environmental and man-made factors." It can be of various forms but mostly these are caused by human actions and It have huge negative effects on the health of people[xvi].
It is induced by multiple circumstances like posters ,flag poles, lettering, hoardings, banners, billboard etc

- Repercussion of Visual Pollution

Mental issues
Physical health issues
Decline in property prices
Diminished quality of life
Loss of original character of a region
Distraction
Accidents
Neglect of highly visually polluted areas
Effects on flora and fauna

Posters and banners are presumed or likely to be used for informing and providing guidelines to people. Nonetheless, when they are extensively or haphazardly used and the volumes become too annoying , they become a nuisance instead of being a mode of information . The situation of pasting posters and banners in India has been raised to such a level in present time that they have blocked the views and when close to road junctions could lead to accidents.

Remedies to challenges identified

Keeping in mind the positive side posters, banners etc to politicians, educationists, religious bodies, entertainment industries, companies etc, outright blockage or closure is not a prudent decision or advisable. There is huge requirement to educate people how to use posters and banners to publicize their intention to their audience to make provision for immediate removal of these materials as soon as their assignments are completed.

Orientation of people should also change by educating them to embrace audio and visual modes of publicizing their intention and pay less emphasis on the use of posters and banners. This study revealed that the intention for which posters and banners are intended are not often realized as people passed such posters without bordering on what message is being passed. Thus, radio and television which are veritable alternate means of passing information should be encouraged.

Infact all over the world people should encourage paperless advertisement and information transmission and other activities as a major mode of reducing solid waste. This new trend should be nurtured and embraced in the third world countries.

people by using their aesthetic senses expectations and experiences determine differently what is attractive and beautiful about their environment and nature therefore it should be noticed that the visual environment is integral to our daily experience of the built and natural environment and so must be kept clean as much as possible. The situation of increasing visual pollution in India and all over the world has further impacted tension on refuse management principles. Now It has became a serious issue that is bothering the entire world because it can cause the destruction of the quality of life in urban as well as rural environment. [xvii]

- Prevention and Solutions for Visual Pollution

Avert the excessive use of physical advertising

Evade waste production

Diminish consumption levels

Signs against littering

Education or spreading awareness

Only build buildings that fit into the surroundings

Higher fines and imprisonment

Better control mechanisms regarding vandalism

The major players in terms of mounting posters, banners and billboards etc should be monitored so that visual pollutions emanating from their ends could be diminished as much as possible. By doing this only the refuse emerged through this process can be eliminated. Major Efforts should be made by Government to establish industries that can recycle paper waste emerging from posters to usable forms thereby turning waste to wealth.

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